

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David A. Brake, et al.

Examiner: TO BE ASSIGNED

Serial No.: TO BE ASSIGNED

Art Unit: TO BE ASSIGNED

Filed: Herewith

Docket: 15471ZYX (PC9590F)

For: ATTENUATED LIVE
NEOSPORA VACCINE

Dated: September 24, 2003

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. §§1.97 and 1.98, it is respectfully requested that the following disclosures, which are listed on the attached form PTO-1449 be made of record in the above-identified case.


CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number: EV 247989628 US

Date of Deposit: September 24, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, P. O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 24, 2003

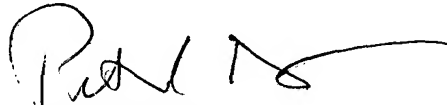

Peter I. Bernstein

Pursuant to 37 C.F.R. §1.98(d), copies of the above-listed publications are not provided, as the references were previously submitted to the Examiner in connection with the parent case, Serial Number: 09/952,388 filed on September 12, 2001, 2001. Reference Numbers 1-9 listed on page 3 of Form PTO-1449 were cited by the Examiner in the parent case, Serial Number: 09/952,388, therefore, a copy of these references are not provided.

Consideration of this Information Disclosure Statement is respectfully requested, since the art provided may be material to the examination of the present application as defined under 37 C.F.R. §1.56.

Inasmuch as this Information Disclosure Statement is being mailed prior to the issuance of a first Official Action, no fee or certification is required.

Respectfully submitted,



Peter I. Bernstein
Registration No. 43,497

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

PIB/XZ:ab

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i> <div style="text-align: center;">Page 1 of 3</div>	ATTY. DOCKET NO. 15471ZYX (PC9590F)	SERIAL NO. To Be Assigned
APPLICANT Brake et al.		
FILING DATE Concurrently herewith		GROUP To Be Assigned

U.S. PATENT DOCUMENTS													
EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A	5	6	4	3	7	1	8	7/1/97	Kim et al.	435	6	11/4/93
	B	5	7	0	7	6	1	7	1/13/98	Conrad et al.	424	93.1	10/20/94
	C	5	9	7	6	5	5	3	11/99	Kim et al.			
	D	6	0	7	1	7	3	7	6/2000	Marsh et al.			

FOREIGN PATENT DOCUMENTS														
		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
		YES	NO											
	E	9	7	1	7	0	8	2	5/15/97	WO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

F	Asbroek et al, 1990, Nature 348:174-175, "Targeted insertion of the neomycin phosphotransferase gene into the tubulin gene cluster of Trypanosoma brucei."
G	Barr et al., 1994, J. Vet. Diagn. Invest. 6:207-215, "Experimental reproduction of bovine fetal Neospora infection and death with a bovine Neospora isolate."
H	Cole et al., 1995, J. Parasitol. 81:730-732, "Vertical transmission of Neospora caninum in mice."
I	Conrad et al., 1993, Parasitol. 106:239-249, "In vitro isolation and characterization of a Neospora sp. from aborted bovine fetuses."
J	Cruz and Beverley, 1990, Nature 348:171-173, "Gene replacement in parasitic protozoa."
K	Donald and Roos, 1994, Mol. Biochem. Parasitol. 63:243-253, "Homologous recombination and gene replacement at the dihydrofolate reductase-thymidylate synthase locus in Toxoplasma gondii."
L	Dubey and Lindsay, 1993, Parasitol. Today 9:452-458 "Neosporosis."
M	Eid and Sollner-Webb, Proc. Natl. Acad. Sci. USA 88:2118-2121, "Stable integrative transformation of Trypanosoma brucei that occurs exclusively by homologous recombination."
N	Kim et al., 1993, Science 262:911-914, "Gene replacement in Toxoplasma gondii with chloramphenicol acetyltransferase as selectable marker."
O	LeBowitz et al., 1990, Proc. Natl. Acad. Sci. USA 87:9736-9740, "Development of a stable Leishmania expression vector and application to the study of parasite surface antigen genes."
P	Gwo-Shu et al., 1990, Science 250:1583-1586, "Homologous recombination and stable transformation in the parasitic protozoan Trypanosoma brucei."
Q	Lindsay et al., 1995, J. Parasitol. 81:313-315, "Mouse model for central nervous system Neospora caninum infections."

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i> Page 2 of 3		ATTY. DOCKET NO. 15471ZYX (PC9590F)	SERIAL NO. To Be Assigned
		APPLICANT Brake et al.	
		FILING DATE Concurrently herewith	GROUP To Be Assigned

		R	Lindsay et al., 1995, Am. J. Vet. Res. 56:1176-1180, "Abortions, fetal deaths, and stillbirths in pregnant pygmy goats inoculated with tachyzoites of Neospora caninum."
		S	Lindsay and Dubey, 1989, J. Parasitol. 75:772-779, "Neospora caninum (Protozoa: Apicomplexa) infections in mice."
		T	Lindsay and Dubey, 1989, J. Parasitol. 75:163-165, "In vitro development of Neospora caninum (Protozoa: Apicomplexa) from dogs."
		U	Lindsay and Dubey, 1990, J. Parasitol. 76:410-413, "Infections in mice with tachyzoites and bradyzoites of Neospora caninum (Protozoa: Apicomplexa)."
		V	Lindsay and Dubey, 1990, Can. J. Zool. 68:1595-1599, "Neospora caninum (Protozoa: Apicomplexa) infections in rats."
		W	Lindsay et al., 1990, Infect. Immun. 58:2699-2700, "Infection of mice with Neospora caninum (Protozoa: Apicomplexa) does not protect against challenge with Toxoplasma gondii."
		X	Marsh et al., 1995, J. Parasitol. 81:530-535, "Sequence analysis and comparison of ribosomal DNA from bovine Neospora to similar coccidial parasites."
		Y	Messina et al., 1995, Gene 165:213-217, "Stable DNA transformation of Toxoplasma gondii using phleomycin selection."
		Z	Sibley et al., 1994, Proc. Natl. Acad. Sci. USA 91:5508-5512, "Stable DNA transformation in the obligate intracellular parasite Toxoplasma gondii by complementation of tryptophan auxotrophy."
		AA	Soldati and Boothroyd, 1993, Science 260:349-352, "Transient transfection and expression in the obligate intracellular parasite Toxoplasma gondii."
		AB	Titus et al., 1995, Proc. Natl. Acad. Sci. USA 92:10267-10271, "Development of a safe live Leishmania vaccine line by gene replacement."
		AC	Adrianarivo et al, Intl. Journal of Parasitology 30:985-990.
		AD	Dreier et al., Intl. J. Parasitology 29:1627-1634.
		AE	Hemphill et al., 1996, Infect. Immun. 64(10):4279-4287.
		AF	Ho et al., 1996, J. Clin. Microbiol. 34(5):1203-1208.
		AG	Pfefferkorn and Pfefferkorn, 1976, Exper. Parasitol. 39:365-376, "Toxoplasma gondii: Isolation and Preliminary Characterization of Temperature-Sensitive Mutants."

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE (REV. 7-80) PATENT AND TRADEMARK OFFICE				Atty. Docket No. 15471ZYYX (PC9590F)		Serial No. To Be Assigned	
LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)				Applicant David A. Brake, et al.			
				Filing Date Concurrently herewith		Group To Be Assigned	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	1	6,071,737	6/2000	Marsh et al.	435	258.1	
	2	5,707,617	1/1998	Conrad et al.	424	93.1	
	3	5,976,553	11/1999	Kim et al.	424	271.1	
	4	5,889,166	3/1999	Conrad et al.	536	23.1	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES NO
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	5	Andrianarivo et al., International Journal of Parasitology, vol. 30, pages 985-990, 2000.					
	6	Nishikawa, Y. et al., Clinical and diagnostic laboratory immunology, July 2001, vol. 8(4), pages 811-816 (abstract only)					
	7	Hemphill et al., Infection Immunity, vol. 64(10), pages 4279-4287.					
	8	Lindsay, DS et al., American Journal of Veterinary Research, vol. 57(1), pages 68-72, January 1996, (abstract only).					
	9	Lindsay et al., American Journal of Veterinary Research, vol. 56, pages 1176-1180.					
EXAMINER				DATE CONSIDERED			
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							